

By Mr. Thompson of Cambridge, petition of Alvin E. Thompson and another relative to the selection and appointment of persons on civil service eligible lists. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO THE SELECTION AND APPOINTMENT OF PERSONS ON CIVIL SERVICE ELIGIBLE LISTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 27 of Chapter 31 is hereby amended by
2 striking out in said Section 27 the second paragraph thereof and
3 inserting in place thereof the following new paragraph: —
4 If an appointing authority makes an original or promotional
5 appointment from a certification of any person on the eligible list
6 when there are other persons higher on the list than the person
7 appointed, persons higher on the list willing to accept such
8 appointment, may challenge the validity of the appointment
9 before the Department of Personnel Administration and, on
10 appeal, to the Civil Service Commission. Such appointment of
11 a person whose name was not highest on the list shall be void
12 unless the appointing authority, at the time the appointment is
13 made, shall file with the Administrator a written statement of the
14 reasons for passing over an individual person or individual
15 persons on the eligible list. If such reasons are not filed at the time
16 of making the appointment, the appointment shall be void and
17 no wages shall be paid to the person so appointed. The reasons
18 given by the appointing authority shall be invalid unless the
19 appointing authority compares the records and qualifications of
20 the appointee in detail with the record and qualifications of each
21 person on the list who was willing to accept appointment and who
22 was passed over; and the reasons shall state precisely why the

23 person selected is superior to the person or persons not selected.
24 If the reasons filed with the Administrator are found to be invalid
25 by the Administrator or the Commission, the appointment shall
26 be deemed rescinded as of the date of such finding.

1 SECTION 2. This act shall take effect on passage.